

ROBIN J. ELACKATT
Mayor

VASHAUNDR A EDWARDS
Councilmember at Large Position No. 1

LYNN CLOUSER
Councilmember at Large Position No. 2



CHERYL STERLING
Councilmember District A
JEFFREY L. BONEY
Councilmember District B
ANTHONY G. MAROULIS
Mayor Pro Tem
Councilmember District C
FLOYD EMERY
Councilmember District D

CITY COUNCIL SPECIAL MEETING AGENDA

Notice is hereby given of a Special City Council Meeting to be held on **Monday, April 26, 2021, at 6:00 p.m.** at: **City Hall, Council Chamber, 2nd Floor**, 1522 Texas Parkway, Missouri City, Texas, 77489, for the purpose of considering the following agenda items. All agenda items are subject to action. The City Council reserves the right to meet in a closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551 of the Texas Government Code.

NOTICE REGARDING PUBLIC PARTICIPATION

Due to the COVID 19 Disaster and the Center for Disease Control's recommendation regarding social distancing measures, the public will not be allowed to be physically present at this meeting.

The meeting will be available to members of the public and allow for two-way communications for those desiring to participate. Any person interested in speaking on any item on the agenda must notify the City by one of the following methods **before 4:00 p.m. on the day of the City Council meeting**:

1. Email or call the City Secretary at CSO@missouricitytx.gov or 281-403-8686; or,
2. Submit a "Public Comment Form" to the City Secretary from the following webpage: <https://bit.ly/39pw73Q>.

The request must include the speaker's name, address, email address, phone number and the agenda item number.

To livestream the meeting, the public may access the following link:
<https://www.missouricitytx.gov/780/MCTV>.

To access the meeting agenda packet in PDF format, the public may access the following link:
<https://www.missouricitytx.gov/407/City-Council>.

1. CALL TO ORDER

2. CLOSED EXECUTIVE SESSION

The City Council may go into Executive Session regarding any item posted on the Agenda as authorized by Title 5, Chapter 551 of the Texas Government Code. Notice is hereby given that the City Council may go into Executive Session in accordance with the following provision of the Government Code:

- (a) **Texas Government Code, Section 551.071** – Consultation with attorney to seek or receive legal advice regarding pending or contemplated litigation, a settlement offer, or on a matter in which the duty of the attorney to the City under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act: (i) civil

service matters; (ii) to provide legal advice and counsel in connection with the City's rights, duties, privileges, and obligations pertaining to the implementing a civil service compensation system compliant with Chapter 143, Texas Local Gov't Code, and related legal criteria, and to include adoption of appropriate civil service ordinances; (iii) Jamilah Way matter.

- (b) **Texas Government Code, Section 551.074** – Deliberations concerning the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee: the City Manager, City Attorney, City Secretary and Economic Development Director.

3. **RECONVENE** into Special Session and consider action, if any, on items discussed in Executive Session.

4. **DISCUSSION/POSSIBLE ACTION**

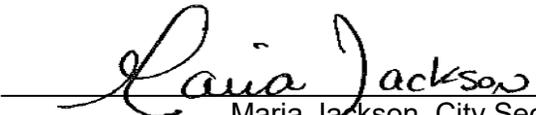
- (a) Consider concurring with the city manager's appointment of an economic development director. (*Proposed presenter: City Manager Odis Jones*)
- (b) Discuss an ordinance amending Chapter 2, Administration, of the Missouri City Code; providing certain standards of conduct for the city council and city staff; establishing an ethics commission. (*Proposed presenter: City Attorney E. Joyce Iyamu*)
- (c) Consider suspending the required 90-day waiting period provided in Section 2-81 of the Missouri City Code to reconsider returning to in-person meetings on May 3, 2021 (two-thirds vote required).
- (d) If Item 4(c) is approved, consider returning to in-person City Council meetings, including virtually or telephonically.

5. **ADJOURN**

In compliance with the Americans with Disabilities Act, the City of Missouri City will provide for reasonable accommodations for persons attending City Council meetings. To better serve you, requests should be received 24 hours prior to the meetings. Please contact Michael Tubbs, Facilities and Fleet Manager, at 281.403.8500.

CERTIFICATION

I certify that a copy of the April 26, 2021, agenda of items to be considered by City Council was posted in a place convenient to the public in compliance with Chapter 551 of the Texas Government Code on April 23, 2021, at 4:00 p.m.



Maria Jackson, City Secretary



CITY COUNCIL MEETING AGENDA ITEM COVER MEMO

April 26, 2021

To: Mayor and City Council
Agenda Item: 4(b) Ordinance: Setting standards of conduct and establishing an ethics commission
Submitted by: E. Joyce Iyamu, City Attorney

SYNOPSIS

City Manager Jones has requested an ordinance setting forth standards of conduct for staff, appointed officials, and city council and establishing an ethics commission. This item was initially placed on the April 19, 2021 regular council meeting agenda and postponed without Council consideration on the matter.

BACKGROUND

The proposed ordinance provides the following:

- Establishes an ethics commission consisting of seven (7) members who serve staggered three year terms (except the first commission, whose even-numbered members will serve a two-year term);
- Creates standards of conduct for staff, appointed officials, and councilmembers, including the following prohibitions, which may be reviewed by the ethics commission:
 - Granting or influencing the granting of any special consideration, advantage or favor to any person when acting in the official's official capacity;
 - Making or using staff, vehicles, equipment, materials or property, including the logo, of the city in a manner that could violate V.T.C.A., Penal Code § 39.02(a)(2);
 - Using information received by virtue of a person's position in a manner that could violate V.T.C.A., Penal Code § 39.06;
 - Violating an express prohibition in the city's charter;
 - Publicly or privately, orally or in writing, defaming or harassing any member of the city staff or city council;
 - Appearing on behalf of his or her own financial interest or personal interest of any kind or on behalf of any other person, business entity, group, or interest before the city council, any city board, commission, or committee, except in matters of public concern or when requesting reimbursement for authorized expenses relating to city business; and
 - Failing to respond to a request for information or documentation by the ethics commission or the investigating attorney acting on behalf of the ethics commission, when the requested information is relevant to an ongoing investigation; and
- Requires the city attorney's office to review most staff complaints and authorizes external counsel for complaints relating to city officials.

BUDGET ANALYSIS

Funds may be required on an as-needed basis for the designation of an investigating attorney for complaints against city officials (council and appointees).

SUPPORTING MATERIALS

ORDINANCE NO. O-21-__

AN ORDINANCE OF THE CITY OF MISSOURI CITY, TEXAS; AMENDING CHAPTER 2, ADMINISTRATION, OF THE MISSOURI CITY CODE; PROVIDING CERTAIN STANDARDS OF CONDUCT FOR THE CITY COUNCIL AND CITY EMPLOYEES; ESTABLISHING AN ETHICS COMMISSION; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; AND CONTAINING OTHER PROVISIONS RELATED THERETO.

* * * * *

WHEREAS, the City Manager of the City of Missouri City, Texas (the "City") desires to establish an environment in which ethics concerns can be investigated and addressed in an orderly manner; and

WHEREAS, the City Manager proposes the following ordinance to address certain complaints against the mayor, councilmembers, the city manager, the city attorney, the city secretary, and all City staff members; and

WHEREAS, the City Council of the City of Missouri City now deems it appropriate to consider this Ordinance and amend the Missouri City Code as set forth herein; and

WHEREAS, such action furthers Strategic Plan 2019 Goal No. 4 by developing a high performing City team; now therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSOURI CITY, TEXAS:

Section 1. The facts and recitations set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2. The Missouri City Code is hereby amended by adding a new Article IX of Chapter 2 thereof to provide as follows:

"CHAPTER 2 – ADMINISTRATION

ARTICLE IX. - ETHICS

DIVISION 1. - GENERALLY

Sec. 2-601. - Legislative findings.

It is found and declared that accepting a position as a city official or city employee carries with it the acceptance of trust that the city official or city employee will work to further the public interest. Maintaining that public trust is critical to the continued operation of good government. To preserve that public trust, there are five principles to which city officials and city employees should adhere:

- (1) City officials and city employees should represent and work towards the public interest and not towards private or personal interests;
- (2) City officials and city employees should accept and maintain the public trust by preserving and enhancing the public's confidence in them through their conduct;
- (3) City officials and city employees should exercise leadership, particularly in the form of consistently demonstrating behavior that reflects the public trust;
- (4) City officials and city employees should recognize the proper role of all government bodies and the relationships between the various government bodies and the relationship between city staff and city officials; and
- (5) City official and city employees should always demonstrate respect for others.

Sec. 2-602. - Applicability. This article applies to alleged actions and violations occurring on or after May 3, 2021.

Sec. 2-603. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

City official means the mayor, each member of the city council, the city manager, the city attorney, and the city secretary.

City employee means a person employed by the city, other than an employee who is subject to the city's civil service rules and regulations, to perform certain duties or duties as assigned.

Ethics commission means the commission established in this article.

Investigating attorney means a licensed attorney who shall be responsible for processing a complaint in the manner set forth in this article.

Official duties means all powers of the city vested in the council or city employees, except as otherwise provided by law or the city Charter.

Sec. 2-604. - Standards of conduct.

No city official or city employee shall:

- (1) While acting in his or her official capacity, grant or influence the granting of any special consideration, advantage or favor to any person beyond that which is:
 - a. The general practice to grant or make available to the public at large;
 - b. The general practice in assisting other governmental entities;
 - c. The general practice in aiding or promoting the economic development of the city; or
 - d. Authorized through a variance, special exception or other similar exception provided for in this code or by law;
- (2) Make use of staff, vehicles, equipment, materials or property, including the logo, of the city, except in the course of his or her official duties, or engage in conduct that could violate V.T.C.A., Penal Code § 39.02(a)(2);
- (3) Use information received by the city official or city employee, by virtue of his or her city position, in a manner that could violate V.T.C.A., Penal Code § 39.06;
- (4) Violate an express prohibition in the city's charter;
- (5) Publicly or privately, orally or in writing, defame or harass any member of the city staff or city council;
- (6) Appear on behalf of his or her own financial interest or personal interest of any kind or on behalf of any other person, business entity, group, or interest before the city council, any city board, commission, or committee, except in matters of public concern or when requesting reimbursement for authorized expenses relating to city business; or
- (7) Fail to respond to a request for information or documentation by the ethics commission or the investigating attorney acting on behalf of the ethics commission, when the requested information is relevant to an ongoing investigation.

Sec. 2-605. - Reporting alleged ethics complaints.

Any person who believes that a violation of the standards of conduct set forth in this article has occurred may file a written complaint with the ethics commission by submission of such complaint to the city secretary. Nothing in this article shall be construed to prevent complainants from instituting direct legal action through the appropriate administrative or judicial means.

Sec. 2-606. - Processing and investigating a complaint.

- (a) *Authority and designation of the investigatory attorney.* The ethics commission shall have the primary responsibility for investigations under this article. Except as provided herein, the city attorney shall designate an attorney in the city attorney's office to serve as the investigating attorney to process complaints filed with the ethics commission. If a complaint involves a city official, the city attorney may procure external legal services to fulfill the role of investigating attorney. If a complaint is filed against the city attorney, the city council shall designate an attorney to serve as the investigating attorney.
- (b) *Preliminary meeting.* The investigating attorney shall investigate a complaint, and within fifteen (15) days of assignment, shall submit a preliminary analysis and recommendation to the ethics commission. The ethics commission shall receive a recommendation from the investigating attorney on each complaint in a closed executive session before conducting a hearing to determine whether the complaint is in proper form and alleges sufficient facts to constitute a prima facie violation of a provision of this article. The investigating attorney shall make one of the following recommendations to the ethics commission, setting forth the reason or reasons for the recommendation in writing:
- (1) Enforcement should not be taken and the complaint should be dismissed;
 - (2) A determination hearing should be held, in which event, the investigating attorney shall prepare a probable cause report, which shall contain a summary of law, facts, and evidence gathered during the investigation; or
 - (3) The complaint should be referred to another agency, in which event, if the ethics commission concurs with this recommendation, the ethics commission shall direct the investigating attorney to refer the information to the appropriate agency and the ethics commission shall take no further action.
- (c) *Evidence.* The ethics commission may subpoena city officials, city employees, and records, and may require the production of evidence. Evidence may include exculpatory and mitigating information, of which the investigating attorney has knowledge, as well as records, including statements of witnesses, and physical evidence. The ethics commission shall receive and consider testimony of the complainant, the city official or city employee, as applicable, and other relevant witnesses.
- (d) *Ethics commission authority.* The ethics commission is not bound by the recommendation of the investigating attorney.
- (e) *Dismissal.* In determining whether to dismiss a complaint, the ethics commission shall adhere to the following:

(1) Frivolous complaints. The ethics commission shall dismiss a complaint that it determines to be frivolous. In determining whether a complaint is frivolous, the ethics commission shall consider the following factors:

- a. Whether the complaint is made in bad faith;
- b. Whether the complaint is brought for the purpose of harassment or embarrassment;
- c. Whether the complaint has any basis in fact or law;
- d. The timing of the complaint with respect to when the facts supporting the alleged violation become known or should have become known to the complainant, and with respect to the date of any pending election in which a city official is a candidate or is involved with a candidacy, if any;
- e. The existence and nature of any relationship between the city official or city employee and the complainant before the complaint was filed;
- f. Any evidence that the complainant knew or reasonably should have known that the allegations in the complaint were groundless; and
- g. Any evidence of the complainant's motives in filing the complaint.

(2) Ex parte communications. The ethics commission may dismiss a complaint if the complainant engages in ex parte communication with a member of the ethics commission. An ex parte communication for purposes of this subsection is a communication between an ethics commission member and the complainant outside of a properly called meeting of the ethics commission.

(3) Refusal to cooperate. The ethics commission may dismiss a complaint if it determines that the complainant refuses to cooperate in the investigation or refuses to provide requested information to the ethics commission or to the investigating attorney in a timely manner. Information submitted within three (3) business days after the date on which the information was requested shall be considered timely.

(4) Time limitation. The ethics commission shall dismiss a complaint based on alleged conduct that occurred before six months from the date on which a complaint is filed.

(5) Existing litigation. The ethics commission shall dismiss a complaint based on alleged conduct that serves as the basis for a complaint that, on or before the date on which the complaint is filed with the ethics commission, has been submitted to law enforcement, the district attorney's office, the Texas Ethics Commission, or another applicable state entity.

- (f) *Actions by other entities.* A determination by the ethics commission to dismiss a complaint shall not prevent any other agency from initiating other enforcement actions based on the same allegations and facts.
- (g) *Determination hearing.* A determination hearing shall be conducted on or within thirty (30) days of the date the investigatory attorney submits a preliminary analysis and recommendation to the ethics commission. At the determination hearing:
- (1) The investigating attorney shall present relevant evidence and testimony;
 - (2) The city official or city employee shall be entitled to present relevant evidence and testimony; and
 - (3) The complainant shall be entitled to address the ethics commission.
- (h) *Right to representation.* A city official or a city employee under investigation may be represented by a person, including an attorney, of his or her own selection at his or her cost.
- (i) *Rebuttal.* The city official or city employee under investigation, or that person's representative, shall have at least seven (7) days to examine all documents and records to be used at the hearing before the date of the hearing. Such official, employee, or the official's or employee's representative, may use such records during the hearing and may bring witnesses and question or refute any testimony or evidence.
- (j) *Recommendation.* After a determination hearing, the ethics commission shall recommend one of the following to the city council or city manager, as appropriate:
- (1) Dismissal of the complaint;
 - (2) Sustaining the complaint by submitting one of the following:
 - i A letter of notification to the city official or city employee advising the official or employee of the steps to be taken to avoid further violations if the ethics commission finds that the violation is clearly unintentional;
 - ii A letter of admonition to the city official or city employee if the ethics commission finds that the violation is minor or may have been unintentional, but calls for a more substantial response than a letter of notification;
 - iii A letter of reprimand if the ethics commission finds that a violation has been committed intentionally or through disregard of this article;
 - iv A letter of censure if the ethics commission finds that a serious or repeated violation of this division has been committed intentionally or through culpable disregard of this article by a city official or city employee; or

v A referral to appropriate authorities for a violation of a state law.

(k) *Recommendation report.* If the ethics commission finds merit in a reported violation of this article and sustains a complaint, the ethics commission shall report its findings and recommendation for disposition to the city council or city manager, as applicable, within fourteen days of the determination hearing. Such report must be in writing and signed by the presiding officer of the ethics commission. The city council and the city manager are not bound by the findings or recommendation of the ethics commission.

Sec. 2-607. – Penalties; remedies for the accused.

(a) Except as provided by other law, it is not the intent of this article that violations of this article be subject to criminal penalties.

(b) Nothing in this article shall be construed to prevent a city official or city employee from instituting direct legal action through appropriate means to recoup expenses related to defending a complaint dismissed by the ethics commission for being a frivolous complaint.

Sec. 2-608. – Records.

All records of the commission shall be submitted to and maintained by the city secretary.

Sec. 2-609. - Distribution of and training in the code of ethics.

Within 30 days after taking an oath of office or beginning employment, every new city official or city employee shall be furnished a written copy of this article. The failure of any city official or city employee to receive a copy of this article shall have no effect on that city official or city employee's duty to comply with this article or on the enforcement of the provisions of this article. This article shall be posted on the city's webpage.

DIVISION 2. – ETHICS COMMISSION

Sec. 2-651. - Established; composition; term of members.

(a) The ethics commission is hereby established. The ethics commission shall consist of seven (7) members, all of whom shall reside in the city and be appointed by the city council. Each commissioner shall be assigned a position and shall be designated, Commissioner Number 1 through Commissioner Number 7, as applicable. The members of the commission shall serve at the pleasure of the city council and shall be subject to removal or replacement by the city council with cause, including, but not limited to ineligibility as described in subsection (b) of this section. A vacancy on said commission shall be filled by the city council for the unexpired term of such position. The members of the ethics commission shall serve without compensation. Except as provided herein, members of the ethics commission shall be appointed for staggered three-year terms, and will serve until their respective successors are appointed. The terms

of the even numbered positions of the ethics commission appointed in 2021 shall expire on June 30, 2023. The terms of all positions shall expire on June 30 of the applicable expiration year.

- (b) A person is ineligible to serve on the ethics commission if the person meets one of the following conditions:
- (1) has any conviction for a Class B misdemeanor or higher or a conviction for a crime of moral turpitude;
 - (2) within the three years prior to appointment was:
 - a. A city official or city employee;
 - b. A campaign treasurer, campaign manager, officer or other policy or decision-maker for the campaign of any candidate elected to city council while that candidate is in office;
 - c. A donor to the campaign of any city official;
 - d. A campaign treasurer, campaign manager, officer or other policy or decision-maker for any political action committee as defined in V.T.C.A. Texas Election Code; or
 - e. A member of any city board or commission other than the ethics commission.

Sec. 2-652. - Organization; rules and regulations.

The ethics commission will elect from its membership a chairperson on an annual basis and will promulgate its own rules and regulations as to its forms and procedures. The ethics commission shall adopt procedural rules governing the conduct of a determination hearing consistent with this article.

Sec. 2-653. - Authority and duties.

- (a) *Generally.* The ethics commission shall act as authorized by this article.
- (b) *Review and make recommendations.* The commission shall meet at least once a year to review this article and may make recommendations on this article to the city council.”

Section 3. *Applicability.* The change in law made by this Ordinance applies only to conduct occurring on or after May 3, 2021. Conduct occurring before May 3, 2021, is governed by the procedures in effect on the date the conduct occurred. For the purposes of this Ordinance, conduct occurred before May 3, 2021, if any element of the conduct underlying the potential violation occurred before that date.

Section 4. *Repeal.* All ordinances or parts of ordinances in conflict herewith, if any, shall be and are hereby repealed only to the extent of such conflict.

Section 5. *Severability.* In the event any clause, phrase, provision, sentence or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part

or provision hereof, other than the part declared to be invalid or unconstitutional; and the City Council of the City of Missouri City, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

PASSED and APPROVED on first reading this ____ day of _____, 2021.

PASSED, APPROVED and ADOPTED on second and final reading this ____ day of _____, 2021.

Robin J. Elackatt, Mayor

ATTEST:

APPROVED AS TO FORM:

Maria Jackson, City Secretary

E. Joyce Iyamu, City Attorney

**CODE OF CONDUCT
AND
ETHICS POLICY**

* * *

**CITY COUNCIL
CITY OF MISSOURI CITY**

* * *

ADOPTED OCTOBER 5, 1998

**CITY COUNCIL CODE OF CONDUCT AND ETHICS POLICY
MISSOURI CITY, TEXAS
ADOPTED OCTOBER 5, 1998**

The City Council is the governing body for the City of Missouri City, Texas; therefore, it must bear the initial responsibility for the integrity of governance. The Council is responsible for its own development (both individually and as a body), its responsibilities, its own discipline, and its own performance. The purpose of this policy is designed to ensure effective and efficient governance.

This policy will address Mayor and Council relations, Council and staff relations, and Council and media relations. By adopting these guidelines for elected officials, we acknowledge our responsibility to each other, to our professional staff, and to the public. The City Council will govern the City in a manner associated with a commitment to the preservation of the values and integrity of representative local government and democracy, and a dedication to the promotion of efficient and effective governing. The following statements will serve as a guide and acknowledge the commitment being made in this service to the community:

1. The Council places high priority on the continual improvement of its members' professional ability and on the promotion of an atmosphere conducive to the fair exchange of ideas and policies among members;
2. The Council will endeavor to keep the community informed on municipal affairs; encourage communication between the citizens and City Council; strive for strong, working relationships with elected officials representing Fort Bend County, Harris County, and Fort Bend Independent School District, as well as officials with other neighboring cities and governmental entities;
3. In its governance role, the Council will continue to be dedicated to friendly and courteous relationships with staff, other Council members, and the public. It will seek to improve the quality and image of public service;
4. The Council will strive to recognize its responsibility to future generations by addressing the interrelationship of the social, cultural, and physical characteristics of the community when making policies; and
5. Each Councilmember should make a commitment to improve the quality of life for the individual and the community as a whole, and be dedicated to the faithful stewardship of the public trust.

**SECTION I
MAYOR-CITY COUNCIL RELATIONS**

1. MAYORAL RESPONSIBILITIES

In addition to those duties and responsibilities set forth in the Missouri City Charter and Code of Ordinances:

- a. The Mayor may be the general spokesperson for the Council on all matters unless absent, at which time his/her designee may assume the role. Notwithstanding the foregoing, from time to time, City Council may identify a specific Councilmember to be the spokesperson for the Council on certain matters; and
- b. The Mayor, or at his/her direction the Mayor Pro Tem, should oversee the orientation of all new Councilmembers after an election. The orientation should include Council procedures, staff and media relations, current agenda items and municipal leadership training programs.

2. COUNCIL RESPONSIBILITIES

In addition to those duties and responsibilities set forth in the Missouri City Charter and Code of Ordinances:

- a. Each Councilmember is responsible for being prepared to discuss each item on the agenda for a meeting, including reading the background information;
- b. Each Councilmember is encouraged to attend at least one conference sponsored by the Texas Municipal League each year in order to stay informed on issues facing municipalities;
- c. When discussing an agenda item at a meeting, after being first recognized by the Mayor, the Councilmember should focus on the question under debate, avoid inappropriate references to personalities, and refrain from impugning the integrity or motives of any other Councilmember or staff member in his/her argument or vote; and
- d. When a Councilmember is appointed to serve as liaison to a board, that Councilmember should keep all Councilmembers informed of significant board activities.

3. AGENDA ACTION

The City of Missouri City prefers that Council meetings maintain an atmosphere designed to encourage public discussions. Meetings are conducted in accordance with the City's Charter, Chapter 2 of the Missouri City Code of Ordinances, and Robert's Rules of Order. The following represents customary procedure for addressing an agenda item:

- a. Procedure. The Mayor will direct the procedure;
- b. Motion. A motion and a second will be made on the agenda topic being considered, if appropriate (i.e. A motion is not necessary to hear a report.);
- c. Introduction. The agenda topic may be introduced by an individual who is considered knowledgeable on the topic at hand;
- d. Public Comment. Depending on the subject matter, the public may comment on the agenda topic being considered. Due to time constraints public comment is normally limited to five (5) minutes per individual. An individual representing a group may be granted additional time. Repetitious testimony is discouraged;
- e. Council Discussion. The Mayor and Council will discuss the agenda item and ask questions;
- f. Call for the Question. At any point the Council desires to stop discussion of an agenda topic, a motion may be made "calling for the question". The motion is not debatable. If the motion is seconded and a majority of the Council present and voting "call for the question", a vote on the agenda topic will be taken, without further comment or discussion;
- g. Action. Most actions (i.e. table, closed session, adjournment, etc.) require a majority vote (i.e. at least four) of the Council. Some actions may require a higher vote, such as two-thirds (2/3) or unanimous. The ability of an individual Councilmember to "tag" an item does not require a vote of the Council;
- h. Council Vote. The Council will vote. The most common way of voting is by a show of hands. The Mayor will ask those voting in favor of the item in question to raise their hand. Then, the Mayor will ask those voting against to raise their hand;
- i. Suspend the Rules. The City Council may suspend these rules and adopt others, through the standard motion procedures, as noted above;
- j. During Council meetings, Councilmembers shall preserve order and decorum, shall not interrupt or delay proceedings; and shall not refuse to obey the points of order from the Mayor, as the designated parliamentarian, or to obey the rules of the Council;
- k. Councilmembers shall demonstrate respect and courtesy to each other, City staff members, and members of the public appearing before the Council. Discussions during meetings should "focus on the measure that is the subject of debate and not the man" (Robert's Rules of Order 36);

- l. Councilmembers should not use their position to secure special privileges and should avoid situations that could cause any person to believe that they may have brought bias or partiality to a question before the Council;
- m. Councilmembers should refrain from personally appearing on behalf of their own financial interest or personal interest of any kind or on behalf of any other person, business entity, group or interest before the City Council, any city board, commission or committee, except in matters of purely public concern. When legally permissible, with regard to a Councilmember's own financial or personal interests, he/she may designate and be represented by a person of his/her choice in any such personal business matter or may choose to "step away" from the table and speak to Council from the podium as a private citizen. This prohibition from personal representation does not apply regarding Councilmembers seeking reimbursement from the City for authorized expenses relating to the Councilmembers' official business; and
- n. The City logo is protected by state copyright laws. It shall not be used for the political or private gain of individual Councilmembers. This also applies with respect to use of City stationery or use of anything that may give rise to inference of City support or promotion.

SECTION II COUNCIL AND STAFF RELATIONS

No single relationship is as important as that of the Council and their City Manager in effectively governing the City of Missouri City. It is for this reason that the Council and the City Manager must understand their respective roles in the process. The City Manager is the primary link between the Council and the professional staff. The Council's relationship with the staff shall be through the City Manager and as follows:

1. In order to ensure proper presentation of agenda items by staff, questions arising from Councilmembers after receiving their information packet should be, whenever possible, routed through the City Manager to staff for staff's response prior to the Council meeting. This allows staff time to address the Councilmember's concern and provide all Councilmembers with the additional information;
2. The City Manager shall oversee staff presentation as to each agenda item to inform and educate the Council on the issues which require Council action. The presentation should be professional, timely, and may allow for discussion of options with possible recommendations for the issue;
3. The City Manager is directly responsible for providing information to Council concerning inquiries by one or more Councilmembers. If the City Manager or his/her staff's time is

being dominated or misdirected by a Councilmember, it is the City Manager's responsibility to inform the Council;

4. The City Manager will be held responsible for the professional and ethical behavior of himself/herself and the discipline of his/her staff. The City Manager is also responsible for ensuring that his/her staff receives the education and information necessary to address the issues facing municipal government;
5. Any conflicts arising between the City staff and the Council should be addressed by the City Manager;
6. All staff members should show each other, each Councilmember, and the public respect and courtesy at all times. Council should expect objective, professional presentations by the City Manager and staff to ensure public confidence in the process; and
7. The City Manager, after an election, will make sure that the staff has prepared information needed for the orientation of new Councilmembers and inform new Councilmembers of any Texas Municipal League conferences and seminars available. The City Manager will also be responsible for meeting personally with new members and informing them about City facilities and procedures.

SECTION III COUNCIL AND MEDIA RELATIONS

Since the democratic form of government is only successful when the citizens are kept informed and educated about the issues facing their municipality, it is imperative that the media play an important role in the council-manager-media relations.¹ It is through an informed public that progress is ensured, and good government remains sensitive to its constituents and confident in its policy decisions. These guidelines are designed to help ensure fair relationships with print, radio, and television reporters. The Council and the City Manager recognize that the news media provide an important link between the Council and the public. It is the Council's desire to establish a professional working relationship with the media to help maintain a well informed and educated citizenry and includes the following:

1. During the conduct of official business, the City should ensure the news media has a place designated for their use in the meeting room;
2. All interested reporters should receive the agenda and should be furnished support material needed for clarification if requested;
3. Since each governmental body conducts business differently, the City Manager, Mayor, or the media relations representative of the City should orient new reporters, or other new

¹ Re: Public Information Act, Chapter 552 of the Texas Government Code, Title 5.

members of the media, prior to covering their first meeting. The orientation should include policies and procedures to ensure a professional working relationship between the media and the City;

4. On administrative matters, the City Manager should be the media spokesperson, unless he/she has appointed a media relations person to present staff information on the agenda;
5. The Mayor, or his/her designee, is the primary spokesperson for the City on matters regarding policy decisions or any Council information pertaining to issues on the agenda. In order to ensure fair treatment of an issue, any clarification requested by the media on the issue should be addressed after the meeting. When opposing positions have been debated, regardless of the outcome, the public is better informed when all sides have adequate coverage by the media. This lets the public know that the item was seriously debated and options discussed before a vote was taken, and helps build confidence in the democratic process; and
6. The Missouri City City Council is made up of six council members and a Mayor, each elected by the citizens of Missouri City. In respect to each Councilmember and his/her constituents, the City should encourage the media through interviews, research, and observation to provide equitable representation of all views presented. Even though Councilmembers may express differing ideas, equitable representation helps promote unity of purpose by allowing the public to be informed of each member's position during his/her time of office and not only during an election campaign.

SECTION IV CODE OF ETHICS

The office of elected official is one of trust and service to the citizens of Missouri City. This position creates a special responsibility for the City Councilmember. In response to this, the Missouri City City Council is expected to govern this City in a manner associated with a commitment to the preservation of the values and integrity of representative local government, local democracy, and a dedication to the promotion of efficient governing. To further these objectives, certain ethical principles should govern the conduct of every Councilmember who shall:

1. Be dedicated to the highest ideals of honor and integrity in all public and personal relationships in order that the member may merit the respect and confidence of the citizens of Missouri City;
2. Recognize that the chief function of local government at all times is to serve the best interests of all people;
3. Be dedicated to public service by being cooperative and constructive, and by making the best and most efficient use of available resources;

4. Refrain from any activity or action that may inappropriately hinder one's ability to be objective and impartial on any matter coming before the Council.²
5. Recognize that public and political policy decisions, based on established values, are ultimately the responsibility of the City Council; and
6. Conduct business in open, well-publicized meetings in order to be directly accountable to the citizens of Missouri City in accordance with state law.³

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² Re: Conflict of Interest, Texas Local Government Code § 171.001 et. seq.
Nepotism, Chapter 573 of the Texas Local Government Code, Title 5

³ Re: Open Meetings Law, Chapter 551 of the Texas Local Government Code, Title 5

We all have a responsibility to protect the integrity of our governing process and therefore have read and agreed to the above guidelines. By affixing my signature, I acknowledge that I will abide by the City Council Code of Conduct and Ethics Policy to the best of my ability.

Name

Title

Date